

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CURTIS COLLINS,	§
	§ No. 352, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0206019341
	§
Plaintiff Below-	§
Appellee.	§

Submitted: July 27, 2006  
Decided: August 29, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 29<sup>th</sup> day of August 2006, upon consideration of the appellant's untimely notice of appeal, the notice to show cause issued by the Clerk, the appellant's response thereto, and the appellee's reply, it appears that the appellant's failure to timely file his appeal is not attributable to court-related personnel.<sup>1</sup> Accordingly, this Court does not have jurisdiction to hear this untimely appeal.

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<sup>1</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979). The appellant states in his response to the notice to show cause that the Superior Court erroneously sent him its order denying his motion for postconviction relief to the wrong address. However, the record reflects that the appellant's notice of appeal was filed more than 30 days from the date he received actual notice of the Superior Court's order, rendering it untimely. See *In re 1989 GMC Sierra Pick-up Truck*, Del. Supr., No. 186, 1998, Veasey, C.J. (June 11, 1998).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice